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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,511	01/16/2002	Michael Hall	14161	7693

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EXAMINER

FLEMING, FAYE M

ART UNIT PAPER NUMBER

3616

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/050,511

Applicant(s)

HALL ET AL.

Examiner

Faye Fleming

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*MLL*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15-24 and 26-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-24 and 26-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). 11.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9, 11, 12, 15-20, 22, 23, 26-29, 31 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Cherry (6,022,044).

Cherry discloses an inflatable curtain comprising a peripheral region; an inflatable portion 14 having a length; and a first stiffening element 22 having a elongated shape oriented parallel to the inflatable portion. The stiffening element is positioned along at least a portion of the peripheral region wherein the peripheral region comprises an upper part, as shown in the figures. Inherently the stiffening elements of Cherry reduces flexure of the portion of the peripheral region during deployment thereby increasing uniformity of inflation time of the inflatable portion along the length. The inflatable portion comprises an inflation inlet (not shown). The stiffening element is planar. The first stiffening element remains stationary with respect to the length of the inflatable curtain when the inflatable portion is inflated. The first stiffening element has a length greater than its width, the inflatable curtain has a length greater than its width, and the length of the first stiffening element is oriented

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parallel to the length of the inflatable curtain. The peripheral region comprises an upper part and the first stiffening element is positioned along the upper part. The stiffening element is formed an integral portion of the inflatable curtain. The stiffening element is securely fastened to the inflatable curtain. The first stiffening element is stitched to the peripheral region. The inflatable curtain is tetherless. The first stiffening element is attached exclusively and directly to at least a portion of the upper part via stitching 94 to enhance inflation of the inflatable portion. Cherry teaches a second stiffening element 66 positioned along a portion of the peripheral region.

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 1-4, 6-9, 11, 12, 15, 17-20, 22, 23, 26, 28, 29, 31, 32, 34 and 35 rejected under 35 U.S.C. 102(e) as being anticipated by Masuda, et al (6,199,898).

Masuda discloses an inflatable curtain comprising a peripheral region; an inflatable portion 10 having a length; and a first stiffening element 20 having a elongated shape oriented parallel to the inflatable portion. The stiffening element is positioned along at least as portion of the peripheral region wherein the peripheral region comprises an upper part, as shown in the figures. Inherently the stiffening elements of Masuda reduces flexure of the portion of the peripheral region during deployment thereby increasing uniformity of inflation time of the inflatable portion along the length. The inflatable portion comprises an inflation inlet 22 and 23. The stiffening element is planar. The first stiffening element remains stationary with respect to the length of the inflatable curtain when the inflatable portion is inflated. The first stiffening element has a length greater than its width, the inflatable curtain has a length greater than its width, and the length of the first stiffening element is oriented parallel to the length of the inflatable curtain. The peripheral region comprises an upper part and the first stiffening element is positioned along the upper part. The stiffening element is formed an integral portion of the inflatable curtain. The stiffening element is securely fastened to the inflatable curtain. The first stiffening element is stitched to the peripheral region. The inflatable curtain is tetherless. The first stiffening element is

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attached exclusively and directly to at least a portion of the upper part via stitching 5 to enhance inflation of the inflatable portion. The inflatable curtain has a lower middle portion 6, a lower rear corner 1R, and a lower front corner 1F wherein the first stiffening element is positioned to expedite inflation of the lower rear corner with respect to inflation of the lower middle portion. The first stiffening element is attached directly to one of an upper front corner and an upper rear corner of the inflatable curtain.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10, 13, 21, 24, 30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cherry (6,022,044) in view of Bakhsh, et al (6,565,118).

Cherry teaches the claimed invention except for the stiffening element being made of plastic and the inflatable curtain comprising a tether. Bakhsh teaches an airbag curtain having a peripheral region having an upper part and further comprising a stiffening element 22 made of plastic. The inflatable curtain of Bakhsh comprises a tether 80. Based on the teachings of Bakhsh, it would have been obvious to one having ordinary skill in the art at the time the

invention was made to modify the stiffening elements of Cherry to be made of plastic to provide shape and/or form to the inflatable curtain and modify the inflatable curtain to have a tether to provide a connection between the inflatable curtain and the vehicle during deployment of the curtain.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-13, 15-24 and 26-35 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Notice of References Cited list references disclosing some features in common with the present invention.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In

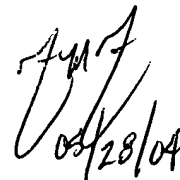
no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Fleming whose telephone number is (703) 305-0209. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Faye Fleming  
Examiner  
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03/28/04